

AUG 03 2007

**Board of Vocational Nursing
and Psychiatric Technicians**

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**BEFORE THE
BOARD OF VOCATIONAL NURSING AND PSYCHIATRIC TECHNICIANS
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

In the Matter of the Accusation Against:

Case No. VN-2004-688

ISAAC KENNETH JOHNSON
9160 Madison Avenue, #43
Fair Oaks, CA 95628

A C C U S A T I O N

Vocational Nurse License Number
VN 184389

Respondent.

Complainant alleges:

PARTIES

1. Teresa Bello-Jones, J.D., M.S.N., R.N. (Complainant) brings this
Accusation solely in her official capacity as the Executive Officer of the Board of Vocational
Nursing and Psychiatric Technicians, Department of Consumer Affairs (Board).

2. On or about May 6, 1998, the Board issued Vocational Nurse License No.
VN 184389 to Isaac Kenneth Johnson (Respondent). The Vocational Nurse License was in full
force and effect at all times relevant to the charges brought herein and will expire on June 30,
2009, unless renewed.

JURISDICTION

3. This Accusation is brought before the Board, under the authority of the
following laws. All Section references are to the Business and Professions Code unless

1 otherwise indicated.

2 4. Section 2875 provides, in pertinent part, that the Board may discipline the
3 holder of a vocational nurse license for any reason provided in Article 3 (commencing with
4 section 2875) of the Vocational Nursing Practice Act.

5 5. Section 118, subdivision (b), provides, in pertinent part, that the expiration
6 of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary action
7 during the period within which the license may be renewed, restored, reissued or reinstated.
8 Under Section 2892.1, the Board may renew an expired license at any time within four years after
9 the expiration.

10 6. Section 490 provides, in pertinent part, that the Board may suspend or
11 revoke a license when it finds that the licensee has been convicted of a crime substantially related
12 to the qualifications, functions or duties of a licensed vocational nurse.

13 7. Section 2878 states:

14 “The Board may suspend or revoke a license issued under this chapter [the
15 Vocational Nursing Practice Act (Bus. & Prof. Code, § 2840, et seq.)] for any of the following:

16 “(a) Unprofessional conduct, which includes, but is not limited to, the following:

17

18 “(d) Violating or attempting to violate, directly or indirectly, or assisting in or
19 abetting the violating of, or conspiring to violate any provision or term of this chapter [the
20 Vocational Nursing Practice Act].

21

22 “(f) Conviction of a crime substantially related to the qualifications, functions,
23 and duties of a licensed vocational nurse, in which event the record of the conviction shall be
24 conclusive evidence of the conviction. . . .”

25 8. Section 2878.5 states, in pertinent part:

26 “In addition to other acts constituting unprofessional conduct within the meaning
27 of this chapter, it is unprofessional conduct for a person licensed under this chapter to do any of
28 the following:

1 “(a) Obtain or possess in violation of law, or prescribe, or except as directed by a
2 licensed physician and surgeon, dentist or podiatrist administer to himself or herself or furnish or
3 administer to another, any controlled substance as defined in Division 10 of the Health and
4 Safety Code, or any dangerous drug as defined in Section 4022.

5 “(b) Use any controlled substance as defined in Division 10 of the Health and
6 Safety Code, or any dangerous drug as defined in Section 4022, or alcoholic beverages, to an
7 extent or in a manner dangerous or injurious to himself or herself, any other person, or the public,
8 or to the extent that the use impairs his or her ability to conduct with safety to the public the
9 practice authorized by his or her license.

10 “(c) Be convicted of a criminal offense involving possession of any narcotic or
11 dangerous drug, or the prescription, consumption, or self-administration of any of the substances
12 described in subdivisions (a) and (b) of this section, in which event the record of the conviction is
13 conclusive evidence thereof. . . .”

14 9. California Code of Regulations, title 16, section 2518.6 states, in pertinent
15 part:

16

17 “(b) A licensed vocational nurse shall adhere to standards of the profession and
18 shall incorporate ethical and behavioral standards of professional practice which include but are
19 not limited to the following:

20

21 “(4) Abstaining from chemical/substance abuse.

22 “(c) A violation of this section constitutes unprofessional conduct for purposes of
23 initiating disciplinary action.”

24 10. California Code of Regulations, title 16, section 2521, states, in pertinent
25 part:

26 “For the purposes of denial, suspension, or revocation of a license pursuant to
27 Division 1.5 (commencing with Section 475) of the Business and Professions Code, a crime or
28 act shall be considered to be substantially related to the qualifications, functions or duties of a

1 licensed vocational nurse if to a substantial degree it evidences present or potential unfitness of a
2 licensed vocational nurse to perform the functions authorized by the license in a manner
3 consistent with the public health, safety, or welfare. Such crimes or acts shall include but not be
4 limited to those involving the following:

5

6 “(c) Violating or attempting to violate, directly or indirectly, or assisting in or
7 abetting the violation of, or conspiring to violate any provision or term of Chapter 6.5, Division 2
8 of the Business and Professions Code.

9

10 “(f) Any crime or act involving the sale, gift, administration, or furnishing of
11 “narcotics or dangerous drugs or dangerous devices” as defined in Section 4022 of the Business
12 and Professions Code.”

13 11. Section 125.3 provides, in pertinent part, that the Board may request the
14 administrative law judge to direct a licensee found to have committed a violation or violations
15 of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
16 enforcement of the case.

17 CONTROLLED SUBSTANCE / DANGEROUS DRUG

18 12. Methamphetamine, a CNS¹ stimulant, is a Schedule II controlled substance
19 as designated by Health and Safety Code section 11055, subdivision (d)(2), and is categorized as
20 a dangerous drug pursuant to Business and Professions Code section 4022.

21 FIRST CAUSE FOR DISCIPLINE

22 **(Conviction of Substantially Related Crime)**

23 13. Respondent is subject to disciplinary action under Sections 490 and 2878,
24 subdivision (f), in conjunction with California Code of Regulations, title 16, section 2521,
25 subdivision (f), in that Respondent was convicted of crimes substantially related to the
26 qualifications, duties and functions of a licensed vocational nurse, as follows:

27 _____
28 1. CNS, abbreviation for central nervous system.

1 a. On or about October 28, 2004, in a criminal proceeding entitled *The*
2 *People of the State of California v. Isaac Kenneth Johnson* in Riverside County Superior Court
3 (Blythe), Case No. BLF003312, Respondent was convicted on a plea of *guilty* for violating
4 Health and Safety Code section 11377(a) (possession of a controlled substance, to wit,
5 methamphetamine), a felony subsequently reduced to a misdemeanor.

6 b. The circumstances of the conviction are that on or about October 15, 2004,
7 Blythe Police Department officers found Respondent to be under the influence of a controlled
8 substance and in possession of contraband, to wit, methamphetamine; and Respondent admitted
9 to the officers that he "took three hits off of a meth pipe this morning."

10 **SECOND CAUSE FOR DISCIPLINE**

11 **(Conviction of Crime Involving Controlled Substance - Methamphetamine)**

12 14. Respondent is subject to disciplinary action under Section 2878,
13 subdivision (a), as defined in Section 2878.5, subdivision (c), on the grounds of unprofessional
14 conduct, in that on or about June 22, 2006, Respondent was convicted of a crime involving
15 methamphetamine, a controlled substance and dangerous drug, as more fully described above in
16 paragraph 13, and incorporated herein in full by reference.

17 **THIRD CAUSE FOR DISCIPLINE**

18 **(Unlawful Possession and Use of Controlled Substance - Methamphetamine)**

19 15. Respondent is subject to disciplinary action under Section 2878,
20 subdivisions (a) and (d), as defined in section 2878.5, subdivisions (a) and (b), and violating
21 Health and Safety Code section 11377(a), on the grounds of unprofessional conduct, in that
22 Respondent was in possession of and/or used methamphetamine, a controlled substance and
23 dangerous drug, without a valid prescription, to an extent or in a manner dangerous or injurious
24 to himself, and any other person, or the public, as more fully described above in paragraphs 13
25 and 14, and incorporated herein in full by reference.

26 **FOURTH CAUSE FOR DISCIPLINE**

27 **(Standards of Profession)**

28 16. Respondent is subject to disciplinary action under Section 2878,

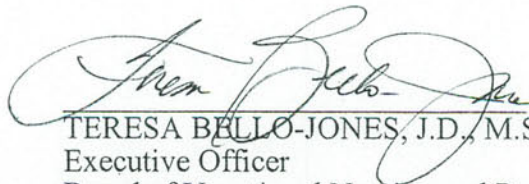
1 subdivisions (a) and (d), as defined in California Code of Regulations, title 16, section 2521,
2 subdivisions (c) and (f), and violating California Code of Regulations, title 16, section 2518.6,
3 subdivisions (b), (b)(4) and (c), on grounds of unprofessional, in that on or about October 15,
4 2004, Respondent failed to adhere to standards of the profession and ethical and behavioral
5 standards of professional practice when he failed to abstain from chemical or substance abuse, as
6 set forth above in paragraphs 13 - 15, and incorporated herein in full by reference.

7 PRAYER

8 WHEREFORE, Complainant requests that a hearing be held on the matters herein
9 alleged, and that following the hearing, the Board of Vocational Nursing and Psychiatric
10 Technicians issue a decision:

- 11 1. Revoking or suspending Vocational Nurse License No. VN 184389, issued
12 to Isaac Kenneth Johnson.
- 13 2. Ordering Isaac Kenneth Johnson to pay the Board of Vocational Nursing
14 and Psychiatric Technicians the reasonable costs of the investigation and enforcement of this
15 case, pursuant to Business and Professions Code section 125.3;
- 16 3. Taking such other and further action as deemed necessary and proper.

17
18 DATED: August 3, 2007

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21 

22 TERESA BELLO-JONES, J.D., M.S.N., R.N.
23 Executive Officer
24 Board of Vocational Nursing and Psychiatric Technicians
25 Department of Consumer Affairs
26 State of California

27 Complainant